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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,399	10/03/2001	Miroslav Svajda	47161-00016	9667

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EXAMINER

NI, SUHAN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 06/04/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No:

09/970,399

Applicant(s)

SVAJDA ET AL.

Examiner

Suhan Ni

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 and 44-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 44-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to the election and amendment filed 04/03/2003.

Claim Rejections - 35 USC § 112, 2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 17-18 and 25-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding all claims, the applicants claim a listening device. But it is not clear why a non-audio frequency ranged signal has been obtained and processed, not utilized for the listen device for providing listening for a user/users.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27 and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mead et al. (US-6,044,162) in view of Groppe (US-5,086,464).

Regarding claims 1, 15, 17 and 48, Mead et al. disclose a hearing device, comprising: an input transducer (128) for generating an electrical output signal; a first amplifier (130) for receiving the electrical output signal of the transducer and for generating an amplified signal; and

a first filter (116-1) for receiving the amplified signal of the amplifier and for generating an filtered signal. But Mead et al. do not specially teach a telecoil type input transducer as claimed. Groppe discloses a similar hearing device, comprising a telecoil type input transducer for inductively pickup input signal. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to be motivated to provide the inductive pickup transducer taught by Groppe for the hearing device as an alternate choice, for providing a wireless communication for the user.

Moreover, Mead et al. do not clearly teach an IC as claimed. Since providing IC technology for a hearing device is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to be motivated to provide a IC including all necessary elements for the hearing device, in order to provide a more integrated and size reduced hearing device, also with less power consumption.

Furthermore, Mead et al. do not clearly teach the frequency response rang for the filter as claimed. Since selecting a filter with desirable characteristics, such as frequency response for specific application is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to be motivated to provide a filter with desirable pass band for the processing IC of the hearing device, in order to provide desirable acoustic effect for different hearing applications.

Regarding claims 2-3, Mead et al. further disclose the hearing device, wherein the device includes a second amplifier (118-1) for receiving the first filtered signal and for generating a second amplified signal as claimed.

Regarding claim 4, Mead et al. further disclose the hearing device, wherein the device includes a second filter (116-2) for receiving the first amplified signal and for generating a second filtered signal as claimed.

Regarding claims 5-6, Mead et al. further disclose the hearing device, wherein the device includes a third amplifier (118-2) for receiving the second filtered signal and for generating an third amplified signal as claimed.

Regarding claims 7, 16 and 26-27, neither Mead et al. nor Groppe specially teach the details of the telecoil type input transducer as claimed. Since providing a center-tapped telecoil as claimed for a hearing device is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to be motivated to provide the center-tapped telecoil with two signal output terminals for the hearing device, in order to provide users a wireless communication hearing device with desirable acoustic characteristics.

Method claims 8-14 are similar to claims 1-7 except for being couched in method terminology, such methods would be inherent when the structure is shown in the cited references.

Regarding claims 18-20, Mead et al. further disclose the hearing device, wherein the device includes a third filter (116-3) for receiving the first amplified signal and for generating a third filtered signal as claimed.

Regarding claims 21-22, neither Mead et al. nor Groppe specially teach a protection circuitry for the processing IC of the hearing device as claimed. Since providing a protective element for a processing circuit for a hearing device is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to be motivated to provide the protective element for the processing IC of the hearing device, in order

to provide the hearing device with protective features, and make the hearing device more durable.

Regarding claims 23-24, Mead et al. further disclose the hearing device, wherein the device includes an A/D (132) and a D/A (124) converter for DSP.

Regarding claim 25, Mead et al. further disclose the hearing device, wherein the device includes a plurality of controllers (44) for controlling an incoming signal as claimed.

Method claims 44-47 are similar to claims 15-27 except for being couched in method terminology, such methods would be inherent when the structure is shown in the cited references.

Conclusion

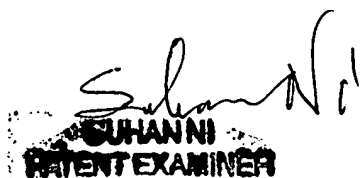
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Suhan Ni** whose telephone number is (703)-308-9322, and the number for fax machine is (703)-305-9508. The examiner can normally be reached on Monday through Thursday from 9:00 am to 7:30 pm. If it is necessary, the examiner's supervisor, **Curtis Kuntz**, can be reached at (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

Suhan Ni

05/31/2003



Suhan Ni
SUHAN NI
PATENT EXAMINER